



Journal of the Senate

Number 20

Wednesday, May 3, 1978

The Senate was called to order by Senator Holloway at 8:30 a.m. for the purpose of conducting the order of business of introduction and reference of resolutions, memorials, bills and joint resolutions pursuant to Rule 4.3.

INTRODUCTION

By Senator Jon Thomas—

SB 1318—A bill to be entitled An act relating to motor vehicle license plates; amending s. 320.03, Florida Statutes; providing that the appointed agents of county tax collectors shall deliver license plates to applicants; providing that such agents shall be required to give a sufficient surety bond, keep complete records, and make prompt remittance of moneys collected; amending s. 320.031, Florida Statutes; providing that appointed agents of county tax collectors may mail motor vehicle registrations and renewals, license plates, and revalidation stickers to applicants; providing for a service charge; amending s. 320.04(1), Florida Statutes; providing for a \$1 service charge by appointed agents of county tax collectors for performing certain services; providing an effective date.

—was read the first time by title and referred to the Committees on Transportation; and Finance, Taxation and Claims.

By Senator Vogt—

SB 1319—A bill to be entitled An act relating to insurance; creating the Florida Life and Health Insurance Guaranty Association; providing short title and purpose; providing definitions; requiring certain insurers to participate in the association; providing that certain accounts shall be maintained by the association; providing for a board of directors; providing for election and compensation of board members; providing the duties, responsibilities, powers and functions of the association; providing for assessments and a limitation on same; providing for the submission of a plan of operation to the Department of Insurance; providing for the adoption of rules by the department if a suitable plan of operation is not submitted; prescribing the duties and powers of the Department of Insurance with regard to the association; providing certain procedures for the detection and prevention of insurer insolvencies; providing for certain records and limited confidentiality thereof; providing that for certain purposes the association shall be deemed a creditor of an impaired or insolvent insurer; providing guidelines for the distribution of ownership rights, assets, and dividends of an insolvent or impaired insurer; providing for examination and regulation of the association by the Department of Insurance; providing for an annual report by the association to the department; providing that with the exception of real property taxes, the association is exempt from state and local taxation and fees; providing immunity for the association, its members and the Department of Insurance in performance of their duties; providing stay of proceedings and reopening of default judgments under prescribed circumstances; prohibiting advertisement of the Insurance Guaranty Association Act in the sale of insurance; providing an effective date.

—was read the first time by title and referred to the Committees on Economic, Community and Consumer Affairs; and Commerce.

SCR 1320—Introduced and adopted May 1.

By Senator Trask—

SCR 1321—A concurrent resolution expressing profound regret at the passing of James Hardin Peterson.

—was read the first time by title and referred to the Committee on Rules and Calendar.

By Senators Brantley, Barron, Castor, Chamberlin, Don Childers, W. D. Childers, Dunn, Firestone, Gallen, Glisson, Gordon, Gorman, Graham, Hair, Henderson, Holloway, Johnston, Lewis, MacKay, McClain, Myers, Peterson, Plante, Poston, Renick, Saylor, Scarborough, Scott, Skinner, Spicola, Jon Thomas, Pat Thomas, Tobiassen, Trask, Vogt, Ware, Williamson, Wilson, Winn and Zinkil—

SCR 1322—A resolution commemorating Mother's Day, May 14, 1978.

—was read the first time by title and referred to the Committee on Rules and Calendar.

SCR 1323—Introduced and adopted May 2.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted HCR 2047 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representatives Tucker and Fortune—

HCR 2047—A resolution honoring, commending and supporting the Motion Picture and Television Industry of Florida.

—was read the first time by title and referred to the Committee on Rules and Calendar.

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has passed as amended HB 1112 and requests the concurrence of the Senate.

Allen Morris, Clerk

By Representative O'Malley and others—

HB 1112—A bill to be entitled An act relating to owners and operators of motor vehicles; amending s. 324.051(1)(a) and (2), Florida Statutes; changing the time period in which accident report forms must be forwarded by investigating law enforcement officers to the Department of Highway Safety and Motor Vehicles; changing the kinds of accidents which must be reported and the information contained in the report; requiring the department to suspend the license or operating privilege of each operator and registrations of the owner of any vehicle involved in certain accidents within a specified time after receiving notice of such accident; deleting requirement that such suspensions only follow certain judgments or convictions; providing additional exemptions from such suspension; changing an exemption relating to final adjudications of liability; amending s. 324.072(1), Florida Statutes, increasing the instances in which the department is required to suspend a person's motor vehicle registrations if his operator's license has been suspended or revoked; providing an effective date.

—was read the first time by title and referred to the Committee on Transportation.

The Senate recessed at 8:33 a.m.

The Senate was called to order by the President at 9:00 a.m.
A quorum present—38:

Mr. President	Gordon	Peterson	Thomas, Pat
Barron	Gorman	Plante	Tobiassen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Sayler	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Firestone	MacKay	Skinner	Zinkil
Gallen	McClain	Spicola	
Glisson	Myers	Thomas, Jon	

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 894 with 1 amendment

The Committee on Health and Rehabilitative Services recommends the following pass: SB 100, SB 975 with 1 amendment

The bills contained in the foregoing reports were referred to the Committee on Governmental Operations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 988 with 11 amendments

The Committee on Health and Rehabilitative Services recommends the following pass: SB 906 with 3 amendments

The bills contained in the foregoing reports were referred to the Committee on Judiciary-Criminal under the original reference.

The Committee on Governmental Operations recommends the following pass:

CS for SB 37	SB 862	HB 1075
SB 799	CS for HB 386	

The Committee on Health and Rehabilitative Services recommends the following pass: SB 1021

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass: SB 850

The Committee on Rules and Calendar recommends the following pass:

SCR 791	SB 1003	SM 529
SM 738	SM 13	SM 709

The bills contained in the foregoing reports were placed on the calendar.

The Committee on Governmental Operations recommends the following not pass: SB 38, SB 638

The Committee on Personnel, Retirement and Collective Bargaining recommends the following not pass: SB 675

The Committee on Rules and Calendar recommends the following not pass: SM 251, HM 240

The bills contained in the foregoing reports were laid on the table.

EXECUTIVE BUSINESS

On motion by Senator Holloway, staff members of the Committee on Executive Business were granted privileges of the floor during consideration of the committee's reports on Executive Suspensions and Appointments.

Senator Holloway presented the following reports:

The Honorable Lew Brantley
President of the Senate
The Capitol

February 16, 1978

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Gordon D. Ward.

By Executive Order Number 77-30, filed with the Secretary of State on June 3, 1977, His Excellency Reubin O'D. Askew, as Governor, suspended Gordon D. Ward from the office of Notary Public of the State of Florida.

The suspension order charged that Gordon D. Ward was appointed as a Notary Public of the State of Florida on or about May 12, 1969, which appointment was renewed on or about September 9, 1974, and that Gordon D. Ward held that office continuously since the date of renewal. The suspension order declared that, as a Notary Public of the State of Florida, Gordon D. Ward was a "state officer" within the meaning of

Excused: Senator Lewis until 10:45 a.m.; Senator Barron until 10:00 a.m.; Senator Wilson

Prayer by the Rev. James M. Proctor, pastor, St. Hebron African Methodist Episcopal Church, Quincy:

The prophet Micah, nearly 3000 years ago eloquently stated a person's ethical and moral obligation to one nation, his fellow-man and his God. Micah did this by asking and answering a series of questions. His questions and answers are relevant for us today.

With what shall I come before the Lord, and bow myself before God on high? Shall I come before him with burnt offerings, with calves a year old? Will the Lord be pleased with thousands of rams, with ten thousands of rivers of oil? Shall I give my first born for my transgression, the fruit of my body for the sin of my soul? He has showed you, O man, what is good; and what does the Lord require of you but to do justice, and love mercy and walk humbly with your God. Micah 6:6-8

REPORTS OF COMMITTEES

The Committee on Rules and Calendar submits the following bills to be placed on the Special Order Calendar for Wednesday, May 3, 1978:

SB 764	SB 1020	SB 577	SB 660
SB 457	SB 419	SB 655	SB 661
SB 425	HB 284	SB 656	SB 623
SB 671	HB 724	SB 657	
SB 508	SB 589	SB 658	
SB 778	SB 133	SB 659	

Respectfully submitted,
W. D. Childers, Chairman

The Committee on Education recommends the following pass: CS for HB 654 with 1 amendment

The Committee on Governmental Operations recommends the following pass:

SCR 382	SB 787
SB 547 with 4 amendments	SB 918 with 2 amendments
SB 566	SB 1015

The Committee on Personnel, Retirement and Collective Bargaining recommends the following pass:

SB 910	SB 939	SB 996 with 1 amendment
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The Committee on Health and Rehabilitative Services recommends the following pass: SB 798, SB 855

The bills contained in the foregoing reports were referred to the Committee on Appropriations under the original reference.

The Committee on Governmental Operations recommends the following pass: SB 943 with 2 amendments

The bill was referred to the Committee on Commerce under the original reference.

The Special Master - Claims recommends the following pass: HB 873 with 1 amendment

The bill was referred to the Committee on Finance, Taxation and Claims under the original reference, pursuant to Rule 4.8.

Section 7, Article IV, Florida Constitution, 1968 Revision, and that Notaries Public are required to be citizens of the United States in accordance with Section 117.01 of the Florida Statutes (1975). The suspension order charged that Gordon D. Ward falsely stated in an application for appointment on or about May 12, 1969 that he was a United States citizen, and that Gordon D. Ward has failed to respond to four separate requests that he submit proof of United States citizenship. Accordingly, the suspension order charged Gordon D. Ward for acts which constitute malfeasance, misfeasance, neglect of duty, and commission of a felony.

The Senate assumed jurisdiction of this matter on June 3, 1977, and this matter was referred to the Senate Committee on Executive Business on June 3, 1977. On September 1, 1977, the Senate Committee on Executive Business issued a Notice for Pre-Hearing conference in accordance with Rule 12.7 (f) of the Rules of the Florida Senate.

On September 8, 1977, Gordon D. Ward submitted his resignation to the Governor, effective immediately, and the Governor accepted that resignation on September 15, 1977.

Based upon the investigation conducted by this Committee, it is the findings of this Committee that Gordon D. Ward was suspended from the office of Notary Public of the State of Florida on June 3, 1977, that he has submitted his resignation, effective September 8, 1977, and by that act he has evidenced a clear intention to waive and renounce any rights which he may have had to contest his suspension pursuant to Executive Order Number 77-30, that Executive Order Number 77-30 has now been revoked, and that after due notice he has not requested a hearing or further proceedings, nor has he shown any cause why the Senate should take any further action in this matter.

It is the recommendation of this Committee, therefore, that in view of the revocation of the Executive Order of Suspension, no further action be taken by the Senate with respect to this matter.

Respectfully submitted,

*Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Saylor
Sherrill Skinner
Lori Wilson*

The Honorable Lew Brantley
President of the Senate
The Capitol

February 16, 1978

Dear Mr. President:

The Senate Committee on Executive Business submits this final report on the matter of the suspension of Christine M. Tincher.

By Executive Order Number 77-47, filed with the Secretary of State on September 13, 1977, His Excellency Reubin O'D Askew, as Governor, suspended Christine M. Tincher from the office of Notary Public of the State of Florida.

The suspension order states that Christine M. Tincher was appointed as a Notary Public of the State of Florida on March 5, 1973, which appointment was renewed on or about March 5, 1977, and that as a Notary Public of the State of Florida, Christine M. Tincher was a "state officer" within the meaning of Section 7, Article IV, Florida Constitution, 1968 Revision.

The suspension order charged that Christine M. Tincher, while holding the aforesaid office, pleaded nolo contendere on December 17, 1975 to the felony offense of possession of a stolen motor vehicle, the transfer of title to such vehicle having been effected by the use of the notary seal of the same Christine M. Tincher, and that such an act constitutes malfeasance, misfeasance, and commission of a felony. This crime constitutes grounds for suspension under Section 7, Article IV, Florida Constitution, 1968 Revision.

Criminal prosecution of Christine M. Tincher was commenced in the Circuit Court of the Thirteenth Judicial Circuit in Hillsborough County. On July 21, 1975 an Information was filed charging Christine M. Tincher with a felony offense, viz: possession of stolen motor vehicle, (814.03, F.S.). On December 17, 1975, Christine M. Tincher entered a plea of nolo contendere, and on that same day adjudication of guilt was withheld and

Christine M. Tincher was placed on probation for a term of three (3) years and ordered to pay a fine of \$150.00. On July 19, 1977, an order was issued terminating the probation of Christine M. Tincher and thereby discharging Christine M. Tincher from further supervision by the court.

The Senate assumed jurisdiction of this matter on September 14, 1977, and this matter was referred to the Senate Committee on Executive Business on September 15, 1977. A Notice of Pre-Hearing Conference was issued October 28, 1977 in accordance with Rule 12.7(f) of the Rules of the Florida Senate. On Thursday, February 16, 1978, a Hearing was held before the Committee on Executive Business.

Based on investigation conducted by this Committee, it is the finding of this Committee that Christine M. Tincher was suspended from the office of Notary Public of the State of Florida on September 13, 1977, that on December 17, 1977, Christine M. Tincher pleaded nolo contendere to the felony offense of possession of a stolen motor vehicle, the transfer of title to such vehicle having been effected by the use of the notary seal of the same Christine M. Tincher, that such an act constitutes malfeasance, misfeasance, and commission of a felony under the laws of the State of Florida, that Christine M. Tincher informed the Senate Committee on Executive Business by letter of her intent not to contest her suspension, and by that act has evidenced a clear intention to waive and renounce any rights which she may have had to contest her suspension pursuant to Executive Order Number 77-47, and that after due notice she has not requested further hearing proceedings, nor has she shown any cause why the Senate should not take any further action in the matter.

It is the recommendation of this Committee, therefore, that Christine M. Tincher be removed from the office of Notary Public of the State of Florida, effective September 13, 1977.

Respectfully submitted,

*Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Saylor
Sherrill Skinner
Lori Wilson*

The Honorable Lew Brantley
President, The Florida Senate
The Capitol

May 1, 1978

Dear Mr. President:

The Committee on Executive Business submits this final report on the matter of the suspension of Melville C. Bass.

By Executive Order Number 73-55, filed with the Secretary of State on September 18, 1973, His Excellency Reubin O'D Askew, as Governor, suspended Melville C. Bass from the office of County Commissioner of Highlands County, Florida. By Amended Executive Order Number 73-72, filed with the Secretary of State on November 7, 1973, His Excellency Reubin O'D Askew presented further grounds for the continued suspension from office of Melville C. Bass.

The suspension order charges that Melville C. Bass, while holding the aforesaid office, on three separate occasions committed the offense of driving while under the influence of alcoholic beverages in violation of Section 316.028, Florida Statutes (1973), and that Melville C. Bass failed to attend 25 of 45 meetings of the Board of County Commissioners of Highlands County. The amended suspension order repeats the charges relating to the motor vehicle violations, changes the number of meetings missed by Melville C. Bass from 25 to 19 of 45 meetings missed, and further charges that Melville C. Bass failed to represent the citizens of his district due to his severe and chronic alcoholism, and that such acts constitute the offenses of malfeasance, misfeasance, neglect of duty, drunkenness or incompetence which are grounds for suspension under Section 7 of Article IV of the Florida Constitution, 1968 Revision.

On August 29, 1973, in the County Court of Highlands County, Melville C. Bass was arraigned for a May 27, 1973 arrest and on August 6, 1973 arrest for the offense of driving under the influence of alcoholic beverages. In the case of the May 27, 1973 arrest, Melville C. Bass plead guilty, whereupon adjudication was withheld, and Melville C. Bass was placed on one year's probation and was ordered to attend Nuway Center, an alcoholic

rehabilitation center in Highlands County, and was fined. In the case of the August 6, 1973 arrest, Melville C. Bass plead nolo contendere, whereupon adjudication was withheld, and Melville C. Bass was placed on one year's probation and was ordered to attend Nuway Center and his driver's license was suspended for one year. On June 26, 1974, in the County Court of Highlands County, Melville C. Bass was arraigned for an August 26, 1973 arrest for the offense of driving under the influence of alcoholic beverages. In the case of the August 26, 1973 arrest, Melville C. Bass plead nolo contendere, whereupon the court ordered revoked the one-year probation relating to the May 27, 1973 arrest and imposed a fine on Melville C. Bass. The court then ordered revoked the one-year probation relating to the August 6, 1973 arrest and imposed a ten-day sentence to run consecutively with a 30-day sentence being imposed on Melville C. Bass for his August 26, 1973 arrest.

The Senate assumed jurisdiction of this matter on September 18, 1973, and this matter was referred to the Special Master on Executive Suspensions on September 18, 1973. On October 15, 1973, a pre-hearing conference was held before the Special Master. Proceedings by the Special Master were stayed pursuant to Senate Rule 12.7(b), during the pendency of criminal proceedings at the trial court level and with the understanding that an amended suspension order would be forthcoming. An amended suspension order was issued and delivered to the Senate on November 7, 1973, and on November 11, 1973 was delivered to the Special Master.

Upon notice that criminal proceedings at the trial court level were concluded, a Senate select committee was appointed on March 19, 1974 to review the suspension case of Melville C. Bass. A Notice of Pre-hearing Conference was duly and properly noticed for a pre-hearing conference to be held on June 10, 1974. On June 7, 1974, a notice of Appearance of Substitute Council and a Motion for Continuance was filed with the Select Committee on Executive Suspension. An order granting the Motion for Continuance was subsequently issued by the Chairman of the Select Committee on Executive Suspensions.

The Select Committee on Executive Suspensions, under new chairmanship, resumed the investigation and hearings on this matter in April, 1975. Proceedings by the Select Committee were stayed, pursuant to Senate Rule 12.7(b), during pending criminal proceedings in the trial court for a subsequent charge against Melville C. Bass for the offense of driving under the influence of alcoholic beverages. On July 31, 1975, a pre-hearing conference was held. A subsequent and final hearing was scheduled for February 13, 1976, and then postponed because an action for declaratory judgment was filed by Melville C. Bass in the Circuit Court of the Second Judicial Circuit of Florida. Accordingly, proceedings by the Select Committee on Executive Suspensions were stayed until final determination of the action for declaratory judgment and any appeal connected therewith, in accordance with Senate Rule 12.7(b).

On January 26, 1976, a Summary Final Judgment was rendered in favor of the Governor in the action challenging the efficacy of the Executive Order of Suspension as amended. An appeal to the District Court of Appeal, First District, was taken and on February 15, 1977, the District Court of Appeal of the First District affirmed the summary judgment of the Circuit Court of the Second Judicial Circuit.

In December, 1976, prior to the final disposition of the action for declaratory judgment, Melville C. Bass deceased, leaving the challenge of his suspension from the office of County Commissioner of Highlands County, Florida, in abeyance.

The Senate Committee on Executive Business assumed jurisdiction over the matter of the suspension of Melville C. Bass, and on May 5, 1978, after due and proper notice, held a hearing on the necessity of reaching a final determination in this matter and on the recommendation to be made in the Senate.

Based upon the investigation conducted by this Committee, it is the finding of this Committee that in view of the question over entitlement to backpay and attorney's fees which would be left in abeyance if the Senate were to take no final action on this matter, there is the absolute necessity of reaching a final determination on this matter, and that Melville C. Bass on four separate occasions did drive or operate a motor vehicle while under the influence of alcoholic beverages, that Melville C. Bass was ordered to undergo treatment for a severe and chronic condition of alcoholism, that Melville C. Bass, during his term of office, did fail, refuse, or neglect to represent the legitimate interests of the residents of his district at

meetings of the Board of County Commissioners of Highlands County, that Melville C. Bass did fail to attend 19 of 45 duly and properly noticed meetings of the Board of County Commissioners of Highlands County, and that said acts of Melville C. Bass constitute the offenses of malfeasance, misfeasance, neglect of duty, drunkenness or incompetence as such offenses are used in Article IV, Section 7(a) of the Florida Constitution (1968), and that after due process and hearing neither he nor his agent has shown any cause why the Senate should not remove him from office, effective September 18, 1973, the date of his original suspension from office.

It is the recommendation of this Committee, therefore, that Melville C. Bass be removed from the office of County Commissioner of Highlands County, Florida, effective September 18, 1973.

Respectfully submitted,

Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Saylor
Sherrill Skinner
Lori Wilson

On motions by Senator Holloway, the foregoing report on the Executive Order of Suspension of Gordon D. Ward, Notary Public of the State of Florida, was accepted and the Senate took no further action in view of the revocation of the Executive Order of Suspension; the foregoing report on the Executive Order of Suspension of Christine M. Tincher, Notary Public of the State of Florida, was accepted and adopted and the Senate removed Christine M. Tincher from said office effective September 13, 1977; the foregoing report on the Executive Order of Suspension of Melville C. Bass from the office of County Commissioner of Highlands County, Florida, was accepted and adopted and the Senate removed Melville C. Bass from said office effective September 18, 1973. The vote was:

Yeas—31

Mr. President	Gordon	Peterson	Thomas, Pat
Castor	Graham	Poston	Trask
Childers, Don	Hair	Renick	Vogt
Childers, W. D.	Henderson	Saylor	Ware
Dunn	Holloway	Scarborough	Williamson
Firestone	Johnston	Scott	Winn
Gallen	MacKay	Spicola	Zinkil
Glisson	McClain	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Gorman, Myers, Tobiassen

The Honorable Lew Brantley
President, The Florida Senate
The Capitol

May 1, 1978

Dear Mr. President:

The following executive appointments were referred to the Senate Committee on Executive Business for action pursuant to Rule 12.7(a) of the Rules of The Florida Senate:

	For	Term
	Ending	
1. Department of Administration, Secretary Appointee: Henderson, W. W.		Pleasure of Governor
2. Assessment Administration Review Commission, Members Appointees: Bradley, Ralph Callaway, Robert J.	1/2/79 1/2/79	
3. State Board of Building Codes and Standards, Members Appointees: Harley, Betty Lane, James H. Samples, William R. Sechler, Thomas A. Stephens, C. R. Wood, Denny R.	2/11/81 1/13/81 1/30/79 3/11/81 1/1/81 2/7/81	

	For Term Ending		For Term Ending
4. Board of Business Regulation, Member Appointee: van Wert, Leon G.	Pleasure of Governor	20. Lake-Sumter Community College, Board of Trustees, Members Appointees: Conant, Philip D. Savage, Beulah M. Thornton, Freddie K.	5/31/81 5/31/81 5/31/81
5. Career Service Commission, Members Appointees: Brooks, Charles D. Chapman, Dana Dorsey Leiby, Clare C. Quigley, Edward Thomas Quigley, Edward Thomas	11/22/80 11/22/78 12/1/81 11/22/77 11/22/81	21. Manatee Junior College, Board of Trustees, Members Appointees: Abel, Florine J. Blue, John R.	5/31/81 5/31/81
6. Florida Citrus Commission, Members Appointees: Hamrick, David Oliver Lowry, Margaret E. Richardson, Danforth K. Shinn, Charles Milton Jr.	5/31/80 5/31/80 5/31/80 5/31/80	22. North Florida Junior College, Board of Trustees, Members Appointees: Browning, Edwin B. Jr. Parrish, Mildred	5/31/79 5/31/81
7. Civil Service Board of Escambia County, Mem- bers Appointees: Belleau, George A. Gardner, Omega S. Johnson, Fred	2/9/81 2/13/81 2/13/81	23. Okaloosa-Walton Junior College, Board of Trust- ees, Members Appointees: Connors, Nancy Ann McDonald, Brady Lea Meigs, William	5/31/81 5/31/81 5/31/81
8. Brevard Community College, Board of Trustees, Member Appointee: Williams, Ralph M. Jr.	5/31/81	24. Palm Beach Junior College, Board of Trustees, Members Appointees: Hand, Frances R. Lichtblau, Philip O.	5/31/81 5/31/81
9. Broward Community College, Board of Trustees, Member Appointee: Mayer, George	5/31/81	25. Pasco-Hernando Community College, Board of Trustees, Members Appointees: Grubbs, Murray R. Slayden, Alice R. Williams, Robert	5/31/81 5/31/81 5/31/81
10. Central Florida Community College, Board of Trustees, Members Appointees: Cannon, Linden K. Jr. Jordan, Theodore Scott Sandlin, Robert P.	5/31/79 5/31/81 5/31/81	26. Pensacola Junior College, Board of Trustees, Members Appointees: Boyd, S. W. Dixon, Samuel S.	5/31/81 5/31/81
11. Chipola Junior College, Board of Trustees, Mem- bers Appointees: White, Elga B. Yates, Kenneth R.	5/31/81 5/31/81	27. Polk Community College, Board of Trustees, Members Appointees: Bice, Lorin T. Stephens, James E.	5/31/81 5/31/81
12. Daytona Beach Community College, Board of Trustees, Members Appointees: Gillespie, Sally I. McKinnon, Noah C. Jr. Williams, George R. Sr.	5/31/81 5/31/81 5/31/81	28. St. Petersburg Junior College, Board of Trustees, Member Appointee: Lang, Joseph H.	5/31/81
13. Edison Community College, Board of Trustees, Members Appointees: Gresham, Travis A. Jr. Haymans, Kenton H. Watkins, Henry B. Jr.	5/31/81 5/31/81 5/31/81	29. Santa Fe Community College, Board of Trustees, Members Appointees: Hardy, Hazel Jones, Elizabeth N.	5/31/81 5/31/81
14. Florida Junior College at Jacksonville, Board of Trustees, Members Appointee: Rumph, Albert H.	5/31/81	30. Seminole Community College, Board of Trustees, Member Appointee: Roberts, W. Vincent	5/31/81
15. Florida Keys Community College, Board of Trustees, Members Appointees: Bee, Fred A. Saunders, Alfred L. Sr.	5/31/81 5/31/81	31. South Florida Junior College, Board of Trustees, Members Appointees: Kirk, W. G. Palmer, Ernest P.	5/31/81 5/31/81
16. Gulf Coast Community College, Board of Trustees, Members Appointees: Griffin, Frank C. King, Robert E. Poyner, James A. Sowell, Helen M.	5/31/81 5/31/81 5/31/78 5/31/81	32. Tallahassee Community College, Board of Trust- ees, Members Appointees: D'Alemberte, Richard W. Lawhon, Frank M. Sr. Shaw, Sarah Cawthon	5/31/81 5/31/81 5/31/81
17. Hillsborough Community College, Board of Trustees, Members Appointees: Elam, B. Lee Harvey, Jerry N.	5/31/81 5/31/81	33. Valencia Community College, Board of Trust- ees, Members Appointees: Lupfer, Barbara G. Scott, Robert C. Serros, Andrew N.	5/31/81 5/31/81 5/31/81
18. Indian River Community College, Board of Trustees, Members Appointees: Bryan, Ben L. Sr. Geary, Juanita DeBerry	5/31/81 5/31/81	34. State Board of Independent Colleges and Uni- versities, Members Appointees: Bronson, Oswald P. Dansby, Grace H. Gangel, Kenneth O. Morey, Ann Stafford, Joseph H. Wilson, Charles F.	8/24/78 8/31/78 8/25/80 8/18/79 8/17/80 8/18/80
19. Lake City Community College, Board of Trustees, Members Appointees: Johns, N. J. McKinney, Norris McRae, B. E. Jr. Rivers, Wilson S.	5/31/81 5/31/78 5/31/81 5/31/81		

		For Term Ending			For Term Ending
35.	Condominium Advisory Board, Members		49.	Brigadier General, Florida Air National Guard	
	Appointees: MacPherson, James H.	Pleasure of the		Appointee: Edwards,	
		Chmn. of the		Calvin Mabry	Pleasure of Governor
	Rosen, Robert	Board of Business	50.	Board of Examiners of Nursing Home Adminis-	
		Regulation		trators, Members	
		Pleasure of the		Appointees: Rogers, Rowena (<i>Resigned</i>)	7/ 7/80
		Chmn. of the		Thompson, Samuel A.	12/28/81
		Board of Business	51.	Parole and Probation Commission, Members	
		Regulation		Appointees: Blanton, Jack V.	10/ 1/83
	Stein, Colman Brez	Pleasure of the		Cross, Armond R.	10/ 6/83
		Chmn. of the	52.	Jacksonville Port Authority, Member	
		Board of Business		Appointee: Terry, C. Herman	10/ 1/81
		Regulation	53.	Ponce de Leon Port Authority, Member	
36.	State Board of Cosmetology, Member			Appointee: Brown, Richard C.	2/ 1/81
	Appointee: Reno, Vincent C.	6/27/81	54.	Historic Broward County Preservation Board of	
37.	Crimes Compensation Commission, Chairman			Trustees, Members	
	Appointee: Wimbish, Bette C.	1/ 1/82		Appointees: McPherson, Sally Ann	11/ 1/81
38.	Crimes Compensation Commission, Member			Ryan, Genevieve M.	11/ 1/81
	Appointee: Busbia, A. Morris	1/ 1/80		Sparkman, Luther	11/ 1/79
39.	Environmental Regulation Commission, Members			Springer, George R.	11/ 1/79
	Appointees: Bellamy, Raymond E. II	7/ 1/81		Veltri, Genevieve	11/ 1/80
	Hall, A. Sterling	7/ 1/79	55.	Historic Key West Preservation Board of Trust-	
	Hollis, Mark D.	7/ 1/81		ees, Members	
40.	Florida State Fair Authority, Members			Appointees: Grant, Roy D.	10/18/80
	Appointees: Arnold, Walter B. Jr.	7/ 1/81		Higgins, John Worthen Jr.	11/21/79
	Godwin, Russell J.	7/ 1/81	56.	Historic St. Augustine Preservation Board of	
41.	Florida Student Financial Assistance Commis-			Trustees, Members	
	sion, Members			Appointees: Gannon, Michael V.	8/13/81
	Appointees: Brown, Clanzel T.	6/30/78		Lewis, Lawrence Jr.	8/ 4/81
	Butler, William R.	6/30/78	57.	Historic Tampa/Hillsborough County Preserva-	
	Cody, John L. III	6/30/79		tion Board of Trustees, Members	
	Elmore, William E.	6/30/80		Appointees: Dunn, Hampton	11/ 1/78
	Kuttler, Carl M. Jr.	6/30/80		Masters, Daniel W.	11/ 1/78
	McLaughlin, Thomas D.	6/30/80	58.	Public Employees Relations Commission, Chair-	
	Williams, Carolyn D.	6/30/79		man	
42.	State Board of Funeral Directors and Embalm-			Appointee: Carson, Leonard A.	7/ 1/78
	ers, Members			Carson, Leonard A.	6/30/82
	Appointees: Reed, John Jr.	7/17/81	59.	Public Employees Relations Commission,	
	Southerland, J. Ray	7/23/81		Members	
43.	Harbor Master, Port of Boca Grande			Appointees: Lang, Thomas F.	7/ 1/81
	Appointee: Johnson, W. Carey	11/21/79		Parker, Jean K.	7/ 1/79
44.	Harbor Master, Port of Key West			Parrish, Michael M.	7/ 1/80
	Appointee: Haskins, Henry V.	2/ 8/80		Stowell, Douglas (<i>Resigned</i>)	7/ 1/81
45.	Citrus County Hospital Board of Trustees, Mem-		60.	Board of Regents, Members	
	bers			Appointees: Dubbin, Murray H.	1/ 1/84
	Appointees: Kofmehl, Charles Phillip	7/ 5/81		Maloy, William L.	1/ 1/87
	Toft, Ronald F.	7/11/81		Miller, Lesley James Jr.	9/ 1/78
46.	South Lake County Hospital District, Board of		61.	State Retirement Commission, Members	
	Trustees, Members			Appointees: Heatherly, Sara F.	12/31/79
	Appointees: Amateis, Dorothy F.	7/ 5/81		Ireland, L. K. Jr.	12/31/81
	Anderson, Charles David	7/ 5/81		LeDoyen, Charles Eric	12/31/79
	Cockcroft, Bill	7/ 5/81	62.	Board of Review, Chairman	
	Coggshall, Millard	7/ 5/81		Appointee: Dyal, R. Carson	7/ 1/81
	Seaver, Oakley	7/ 5/81	63.	Board of Review, Members	
47.	Florida Commission on Human Relations, Mem-			Appointees: Hammond, James A.	7/ 1/79
	bers			Harris, Charlie	7/ 1/80
	Appointees: Barnett, Martha W.	9/30/79	64.	State Board of Independent Post-secondary,	
	Batelaan, David	9/30/78		Vocational, Technical, Trade, and Business	
	Billingslea, Robert L.	9/30/81		Schools, Members	
	Bryan, Yolanda V.	9/30/79		Appointees: Jones, Jack H.	7/ 1/80
	Hart, Marjorie Mackey	9/30/80		Williamson, Grayce M.	7/ 1/80
	Holzendorf, Betty S.	9/30/81	65.	Florida School for the Deaf and the Blind,	
	Levitt, Melvin L.	9/30/78		Board of Trustees, Members	
	McLean, Jack L. Jr.	9/30/79		Appointees: Park, Grace C.	11/13/81
	Poole, T. H. Sr.	9/30/80		Tugg, Richard J.	11/20/81
	Sherman, Mary Anne	9/30/78	66.	Jacksonville Transportation Authority,	
	Smith, John Edward	9/30/81		Members	
	Wynn, William A. Jr.	9/30/80		Appointees: Deaton, James E.	6/ 1/79
48.	Industrial Relations Commission, Members			Hall, Young Edward	8/ 4/79
	Appointees: Carroll,				
	Thomas J.	Pleasure of Governor			
	Wentworth,				
	Winifred L.	Pleasure of Governor			

For Term
Ending

67. Big Cypress Basin Board of the South Florida Water Management District, Member
Appointee: Barton, William Lamar 6/30/80
68. Governing Board of the Northwest Florida Water Management District, Members
Appointees: Farley, Dan F. 7/ 1/81
Runnels, Davage Jr. 7/ 1/79
Williams, W. H. 7/ 1/81
69. Governing Board of the St. Johns River Water Management District, Members
Appointees: Beville, Arthur Ray 7/ 1/81
Braddock, James Michael 7/ 1/81
Clay, R. T. 7/ 1/81
Friedmann, Frank X. Jr. 7/ 1/81
Tripson, John R. 7/ 1/79
Wilson, Joseph A. 7/ 1/79
70. Sumter County Recreation and Water Conservation and Control Authority, Members
Appointees: Edwards, James R. 12/ 3/81
Wade, Glenn Franklin 10/ 9/81
Veal, James W. 11/16/81
71. Governing Board of the Suwannee River Water Management District, Members
Appointees: Miller, J. R. 7/ 1/81
Rowell, William Auley 7/ 1/81
Thomas, Douglas A. 7/ 1/81

As required by Rule 12.7(a), the Committee caused to be conducted an inquiry into the qualifications, experience, and general suitability of the above-named appointees for appointment to the offices indicated. In aid of such inquiry the Committee held a public hearing at which members of the public were invited to attend and offer evidence concerning the qualifications, experience and general suitability of each appointee.

After due consideration of the findings of such inquiry and the evidence adduced at the public hearings, the Committee - by a separate vote as to each appointee - respectfully advises and recommends:

- (1) That the executive appointment of the above named appointees, to the office and for the term of office indicated, be *confirmed* by the Senate.
- (2) That Senate action on said appointments be taken prior to adjournment of the 1978 Regular Session.
- (3) That there is no necessity known to the Committee for the deliberations on said appointments to be held in executive session.

Respectfully,

Vernon C. Holloway, Chairman
Don C. Childers, Vice Chairman
Jim Glisson
Henry B. Saylor
Sherrill Skinner
Lori Wilson

Senator Holloway moved that the report be accepted and the Senate confirm the appointments identified in the foregoing report of the committee, to the offices and for the terms indicated, in accordance with the recommendations of the committee. The motion was adopted by the following vote:

Yeas—31

Mr. President	Gordon	Peterson	Thomas, Pat
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Holloway	Scarborough	Ware
Childers, W. D.	Johnston	Scott	Williamson
Dunn	MacKay	Skinner	Winn
Firestone	McClain	Spicola	Zinkil
Glisson	Myers	Thomas, Jon	

Nays—None

Votes after roll call:

Yeas—Gorman, Saylor, Tobiasen

MOTIONS RELATING TO COMMITTEE REFERENCE

On motion by Senator Zinkil, the rules were waived and by two-thirds vote SB 564 was withdrawn from the Committee on Governmental Operations.

On motions by Senator Gallen, the rules were waived and by two-thirds vote Senate Bills 651 and 1185 were withdrawn from the Committee on Economic, Community and Consumer Affairs.

On motion by Senator Renick, by two-thirds vote SB 449 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Henderson, by two-thirds vote SB 438 was withdrawn from the committee of reference and indefinitely postponed.

On motion by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to consider SB 955 this day.

On motion by Senator Dunn, the rules were waived and the Committee on Judiciary-Criminal was granted permission to meet jointly with the House Committee on Criminal Justice at 4:15 p.m. this day.

REQUESTS FOR EXTENSION OF TIME

May 3, 1978

The Committee on Governmental Operations requests an extension of 15 days for consideration of the following:

SB 875 by Senator Plante	HB 103 by Representative
SB 898 by Senator	Batchelor and
Johnston (by	others
request)	

The Committee on Health and Rehabilitative Services requests an extension of 15 days for consideration of the following:
SB 870 by Senator Graham

The Committee on Personnel, Retirement and Collective Bargaining requests an extension of 15 days for consideration of the following:

SB 415 by Senator	SB 897 by Senator Johnston
Chamberlin	(by request)
SB 893 by Senator Johnston	SB 902 by Senator
(by request)	Chamberlin
SB 894 by Senator Johnston	SB 910 by Committee on
(by request)	Personnel, Retirement and Col-
SB 895 by Senator Johnston	lective Bargaining
(by request)	
SB 896 by Senator Johnston	(by request)

MESSAGES FROM THE GOVERNOR AND OTHER EXECUTIVE COMMUNICATIONS

The Governor advised that he had filed in the office of the Secretary of State Senate Bills 18, 52, 434 and 299, which he had approved May 1, 1978.

Appointments Subject to Confirmation by the Senate

The Secretary of State on May 1, 1978 certified that pursuant to the provisions of Section 114.05, Florida Statutes, certificates subject to confirmation by the Senate had been prepared for the following:

Thomas M. Black, Miami, Member of the State Board of Building Codes and Standards, for term ending January 6, 1981

Robert E. Hudson, Palatka, Member of the Board of Trustees of Saint Johns River Community College, for term ending May 31, 1981

—which were referred to the Committee on Executive Business.

MESSAGES FROM THE HOUSE OF REPRESENTATIVES

The Honorable Lew Brantley, President

I am directed to inform the Senate that the House of Representatives has adopted SCR 1323.

Allen Morris, Clerk

The concurrent resolution was ordered enrolled.

MATTERS ON RECONSIDERATION

The motion by Senator Brantley that the Senate reconsider the vote by which SB 575 passed May 2 was not taken up and therefore considered abandoned.

The motion by Senator Zinkil on May 2 that the Senate reconsider the vote by which CS for SB 261 passed on May 2, was taken up and failed; and the Senate refused to reconsider the vote.

On motion by Senator Scott, the rules were waived and CS for SB 261 was ordered immediately certified to the House.

Senator Hair moved that the Senate reconsider the vote by which SB 448 passed on May 2.

The motion was placed on the calendar for consideration May 4.

SPECIAL ORDER

Consideration of Senate Bills 764, 457 and 425 was deferred.

The Committee on Transportation and Senators W. D. Childers and Saylor—

CS for SB 671—A bill to be entitled An act relating to railroad safety; requiring the Department of Transportation to provide for the inspection of and adopt rules relating to the construction and maintenance of certain railroad fixtures and equipment, wires, and switches; providing penalties for non-compliance; repealing ss. 350.25-350.27, Florida Statutes, which currently vest such authority in the Florida Public Service Commission; providing an effective date.

—was read the first time by title and SB 671 was laid on the table.

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 671 was read the second time by title.

Senator MacKay moved the following amendment which was adopted:

Amendment 1—On page 1, line 31, add a new sentence after the period: Such rules shall assure that no railroad shall be allowed to operate in Florida unless such railroad shall provide equipment and procedures which assures the safety of the traveling public, as well as those citizens who own adjoining property.

On motion by Senator W. D. Childers, by two-thirds vote CS for SB 671 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	Peterson	Thomas, Jon
Castor	Gordon	Poston	Thomas, Pat
Chamberlin	Gorman	Renick	Trask
Childers, Don	Graham	Saylor	Vogt
Childers, W. D.	Holloway	Scarborough	Ware
Dunn	Johnston	Scott	Williamson
Firestone	MacKay	Skinner	Winn
Gallen	McClain	Spicola	Zinkil

Nays—None

Votes after roll call:

Yea—Hair, Henderson, Myers, Tobiasen

Consideration of SB 508 was deferred.

SB 778—A bill to be entitled An act relating to education; amending s. 232.01(1)(d)-(h), (2), Florida Statutes; establishing conditions relating to the entry age for first grade; providing an effective date.

—was read the second time by title.

Senator Ware moved the following amendment which was adopted:

Amendment 1—On page 2, line 26, after "July 1," strike "1978" and insert: 1979

Senators Glisson, MacKay, Graham, Castor and Chamberlin offered the following amendment which was moved by Senator Glisson:

Amendment 2—On page 2, between lines 25 and 26, insert: Section 2. Subsection (3) of section 232.245, Florida Statutes, is amended to read:

232.245 Pupil progression.—

(3) Beginning with the 1981-1982 ~~1978-1979~~ school year, each district school board shall establish standards for graduation from its secondary schools. Such standards shall include, but not be limited to, mastery of the basic skills and satisfactory performance in functional literacy as determined by the State Board of Education and the completion of the minimum number of credits required by the district school board. Each district shall develop procedures for the remediation of the deficiencies of those students who are unable to meet such standards. Based on these standards, each district shall provide for the awarding of certificates of attendance and may provide for differentiated diplomas to correspond with the varying achievement levels or competencies of its secondary students.

Senator McClain moved the following amendment to Amendment 2 which failed:

Amendment 2A—On page 2, line 14, strike the period and insert: ; provided, however, no 1978-1979 secondary school graduate who fails the functional literacy test shall be allowed to graduate unless he signs a release absolving and releasing the State of Florida and his local school board from all liability for allowing him to graduate as a functional illiterate.

Amendment 2 failed.

On motion by Senator Ware, by two-thirds vote SB 778 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Peterson	Thomas, Pat
Barron	Gorman	Plante	Tobiasen
Castor	Graham	Poston	Trask
Chamberlin	Hair	Renick	Vogt
Childers, Don	Henderson	Saylor	Ware
Childers, W. D.	Holloway	Scarborough	Williamson
Dunn	Johnston	Scott	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	MacKay	Spicola	
Glisson	McClain	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—Myers

EXECUTIVE BUSINESS—Executive Orders of Suspension

The President invited Special Master Stephen C. O'Connell to approach the well for comments on the following reports.

By direction of the President, the following reports of Special Master Stephen C. O'Connell to whom were referred the Orders of Suspension of Joseph K. Isley, Jr. and James B. Clayton were read:

In The Florida Senate
Tallahassee, Florida

In Re: Suspension of

Joseph K. Isley, Jr.
Member, School Board of Lee County, Florida
Lee County, Florida

Executive Order 77-51

REPORT OF THE SPECIAL MASTER
TO THE HONORABLE LEW BRANTLEY, PRESIDENT
AND THE MEMBERS OF THE FLORIDA SENATE

After notice to all parties this matter came on to be heard before the undersigned Special Master in Committee Room G of the Senate Office Building, at 10:00 a.m. on December 12, 1977.

The Governor of Florida was represented by Mr. Douglas C. Kearney, Assistant Attorney General. Mr. Joseph K. Isley, Jr. appeared in person and after being advised of his right to have counsel, stated that he did not wish to be represented by counsel.

The Executive Order of Suspension charged that the suspended officer, a "county officer" within the meaning of Article IV, Section 7, Florida Constitution, was guilty of neglect of duty under Article IV, Section 7 of the Florida Constitution because of his refusal to file full and public disclosure of his financial interests as required by Article II, Section 8 of the Florida Constitution.

The Governor's Counsel through Mrs. Wilmuth C. Ferrell, Bureau Chief of Elections Records, Elections Division, Office of the Secretary of State, introduced documents and testimony showing that Joseph K. Isley, Jr.:

- (1) was duly commissioned a member of the Lee County School Board, District Two for a term ending November 17, 1980;
- (2) executed the oath of office as such officer on the 15th day of November, 1976;
- (3) failed to file CE Form 6 "Full and Public Disclosure," or any other public disclosure of his financial interests as required by the Sunshine Amendment, Article II, Section 8 of the Florida Constitution; and
- (4) the Governor of Florida, Honorable Reubin O'D. Askew, did execute, and serve on the suspended officer a copy thereof of Executive Order 77-51, suspending Joseph K. Isley, Jr., from his office for neglect of duty under Article IV, Section 7, Florida Constitution.

The suspended officer testified that he filed the initial Form 2 which was required of him as a candidate but that he did not file Commission on Ethics Form 6. He then read a statement which included a letter to Governor Reubin O'D. Askew explaining why he would not complete and file CE Form 6.

Article II, Section 8, the Florida Constitution reads:

"Section 8. Ethics in Government.—A public office is a public trust. The people shall have the right to secure and sustain that trust against abuse. To assure this right:

- (a) All elected constitutional officers and candidates for such offices and, as may be determined by law, other public officers, candidates, and employees shall file full and public disclosure of their financial interests.
- (b) All elected public officers and candidates for such offices shall file full and public disclosure of their campaign finances.
- (c) Any public officer or employee who breaches the public trust for private gain and any person or entity inducing such breach shall be liable to the state for all financial benefits obtained by such actions. The manner of recovery and additional damages may be provided by law.
- (d) Any public officer or employee who is convicted of a felony involving a breach of public trust shall be subject to forfeiture of rights and privileges under a public retirement system or pension plan in such a manner as may be provided by law.

(e) No member of the legislature or statewide elected officer shall personally represent another person or entity for compensation before the government body or agency of which the individual was an officer or member for a period of two years following vacation of office. No member of the legislature shall personally represent another person or entity for compensation during term of office before any state agency other than judicial tribunals. Similar restrictions on other public officers and employees may be established by law.

(f) There shall be an independent commission to conduct investigations and make public reports on all complaints concerning breach of public trust by public officers or employees not within the jurisdiction of the judicial qualifications commission.

(g) This section shall not be construed to limit disclosures and prohibitions which may be established by law to preserve the public trust and avoid conflicts between public duties and private interests.

(h) Schedule—On the effective date of this amendment and until changed by law:

(1) Full and public disclosure of financial interests shall mean filing with the secretary of state by July 1 of each year a sworn statement showing net worth and identifying each asset and liability in excess of \$1,000 and its value together with one of the following:

- a. A copy of the person's most recent federal income tax return; or
- b. A sworn statement which identifies each separate source and amount of income which exceeds \$1,000. The forms for such source disclosure and the rules under which they are to be filed shall be prescribed by the independent commission established in subsection (f), and such rules shall include disclosure of secondary sources of income.

(2) Persons holding statewide elective offices shall also file disclosure of their financial interests pursuant to subsection (h)(1).

(3) The independent commission provided for in subsection (f) shall mean the Florida Commission on Ethics."

It's not disputed that the suspended officer failed to comply with the mandate contained in this section of the Constitution. He testified that unlike the suspended officer in the companion case, James B. Clayton, he had not challenged the suspension order in a court of competent jurisdiction.

Therefore, the only question presented within the limited authority of the Special Master to decide is whether the suspended officer's failure to file full and public disclosure of his financial interests is "neglect of duty" within the meaning of Article IV, Section 7, of the Florida Constitution.

It requires no judicial expertise or harrowing of unpled constitutional or decisional ground to find that the failure of the suspended officer to obey the mandate of Article II, Section 8 of the Florida Constitution constituted neglect of duty. The Supreme Court of Florida in *State ex rel Hardie vs. Coleman*, 155 So. 129, at page 133, defined neglect of duty as:

"neglect or failure of an officer to do and perform some duty imposed by virtue of his office or required by law."

Therefore, it is the finding of the undersigned Special Master that Joseph K. Isley, Jr., albeit for reasons of principle sufficient to him to justify such, nevertheless, failed to file full and public disclosure of his financial interests as required by Article II, Section 8 of the Florida Constitution and that such failure constitutes "neglect of duty" under the provision of Article IV, Section 7, of the Florida Constitution. It is the recommendation of the undersigned that the Senate has cause to uphold the suspension of Joseph K. Isley, Jr. and permanently remove him from office.

The undersigned calls to the attention of the Senate and its honorable members that although the undersigned Special Master has not and is not empowered to consider the constitutionality of the requirements of Article II, Section 8, this issue is being litigated in at least one Florida Court and in the Federal Courts. Nevertheless, the suspended officer in this

matter has not chosen to make or join in such a court challenge thus leaving the members of this august body, under its own rules, no reason not to act in this case.

Respectfully Submitted,

Dated: February 7, 1978

Stephen C. O'Connell
As Special Master Appointed by
Honorable Lew Brantley, Presi-
dent Florida Senate on October
6, 1977

In The Florida Senate
Tallahassee, Florida

In Re: Suspension of

Joseph K. Isley, Jr.
Member, School Board of Lee County, Florida
Lee County, Florida

Executive Order 77-51

**SUPPLEMENTAL REPORT OF THE
SPECIAL MASTER TO THE HONORABLE
LEW BRANTLEY, PRESIDENT AND THE MEMBERS
OF THE FLORIDA SENATE**

Subsequent to the filing of my Final Report in this matter on February 7, 1978, it came to my attention that the suspended officer, Joseph K. Isley, Jr., on or about March 2, 1978, filed an Original Proceeding — Petition For Order To Show Cause in the District Court of Appeal of Florida in and for the First District, Case #111.

The District Court of Appeal issued its opinion on March 30, 1978 and the suspended officer has filed a Petition For Rehearing, which Petition is still pending.

Florida Senate Rule 12.7(b) as relevant here provides that:

- “(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business or Special Master. Such shall be held in suspense and shall not be considered by the Senate until the pending charges have been dismissed, until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, including the exhaustion of appellate remedies.”

Because the executive suspension here involved is challenged in a court of competent jurisdiction, observance of the above quoted Rule requires that this matter be held in suspense until the final determination of that challenge of the subject suspension order, including the exhaustion of appellate remedies.

Therefore, it is the recommendation of the undersigned that this matter be held in suspense until such time as the attorney for the Governor advises the President of the Senate, and the undersigned that court action challenging the Executive Order of Suspension has been finally terminated within the meaning of Rule 12.7(b), at which time this proceeding before the undersigned Special Master be resumed.

Respectfully submitted,

Dated: May 3, 1978

Stephen C. O'Connell
As Special Master Appointed by
Honorable Lew Brantley, Presi-
dent Florida Senate on October
6, 1977

On motion by Senator W. D. Childers the recommendation of the Special Master contained in the foregoing report was accepted by the Senate and the matter held in suspense until court action challenging the Executive Order of Suspension is terminated within the meaning of Senate Rule 12.7(b).

In The Florida Senate
Tallahassee, Florida

In Re: Suspension of

James B. Clayton
Member, School Board of Volusia County
Volusia County, Florida

Executive Order 77-50

**REPORT OF THE SPECIAL MASTER
TO THE HONORABLE LEW BRANTLEY, PRESIDENT
AND THE MEMBERS OF THE FLORIDA SENATE**

After notice to all parties this matter came on to be heard before the undersigned Special Master in Committee Room G of the Senate Office Building, at 2:00 p.m. on December 12, 1977.

The Governor of Florida was represented by Mr. Douglas C. Kearney, Assistant Attorney General. The suspended officer, Mr. James B. Clayton, who is a member of The Florida Bar was present and represented himself.

The Executive Order of Suspension charged that the suspended officer, a “county officer” within the meaning of Article IV, Section 7, Florida Constitution, was guilty of neglect of duty under Article IV, Section 7 of the Florida Constitution because of his refusal to file full and public disclosure of his financial interests as required by Article II, Section 8 of the Florida Constitution.

The parties stipulated that the suspended officer:

- timely received a copy of the subject suspension order,
- was duly commissioned as a member of the Volusia County School Board, District 5, for a term ending November 20, 1978,
- executed the required oath of office, and
- he did not file any forms or information under the provisions of Article II, Section 8 of the Florida Constitution.

Thereupon, Mr. Clayton stated that there was pending in the Circuit Court, 7th Judicial Circuit, Volusia County, Action #77-3395-CA-1 wherein the State of Florida *ex rel* James B. Clayton, is Plaintiff and Oshe Davis is Defendant, and in which the subject suspension order and the authority of the Governor to suspend Mr. Clayton is put in issue. Mr. Kearney, representing the Governor, stipulated to the existence of said suit.

Florida Senate Rule 12.7(b) as relevant here provides that:

- “(b) An executive suspension of a public official who is under indictment or who has pending against him criminal charges filed by the appropriate prosecuting officer in a court of record, or an executive suspension of a public official that is challenged in a court shall be referred to the Committee on Executive Business or Special Master. Such shall be held in suspense and shall not be considered by the Senate until the pending charges have been dismissed, until final determination of the criminal charges at the trial court level, or until the final determination of a court challenge, if any, including the exhaustion of appellate remedies.”

Because the executive suspension here involved is challenged in a court of competent jurisdiction, observance of the above quoted Rules requires that this matter be held in suspense until the final determination of that challenge of the subject suspension order, including the exhaustion of appellate remedies.

Therefore, it is the recommendation of the undersigned that this matter be held in suspense until such time as the attorney for the Governor advises the President of the Senate, and the undersigned that court action challenging the Executive Order of Suspension has been finally terminated within the meaning of Rule 12.7(b), at which time this proceeding before the undersigned Special Master be resumed.

Respectfully submitted,

Dated: February 7, 1978

Stephen C. O'Connell
As Special Master Appointed by
Honorable Lew Brantley, Presi-
dent Florida Senate on October
6, 1977

On motion by Senator W. D. Childers the recommendation of the Special Master contained in the foregoing report was accepted by the Senate and the matter held in suspense until court action challenging the Executive Order of Suspension is terminated within the meaning of Senate Rule 12.7(b).

On motion by Senator W. D. Childers, by two-thirds vote HB 464 was placed on the special order calendar following HB 284.

On motion by Senator W. D. Childers, the rules were waived and by two-thirds vote, time of adjournment of the session May 4 was scheduled for 10:00 a.m. in lieu of 12:00 noon.

On motion by Senator W. D. Childers, the rules were waived and the meetings of the following committees for May 4 were rescheduled: Committee on Finance, Taxation and Claims - 10:00 a.m. until 11:30 a.m.; Committee on Economic, Community and Consumer Affairs - 10:30 a.m. until 2:30 p.m.; Committee on Appropriations - 11:30 a.m. until 2:30 p.m.

On subsequent motion by Senator Gallen, the rules were waived and the Committee on Economic, Community and Consumer Affairs was rescheduled to meet at 10:00 a.m. until 1:00 p.m., May 4.

On motions by Senator Scarborough, the rules were waived and the Committee on Commerce was granted permission to meet May 4 at 2:30 p.m. until 5:00 p.m. in lieu of May 8, and the following were placed on the agenda: All bills not considered at the meeting May 3, and HB 6, HB 170, HB 733, HB 829, SB 8, SB 238, SB 475, SB 673, SB 724, SB 846, SB 1013, SB 1112, SB 1139, SB 1147.

SPECIAL ORDER, continued

SB 764—A bill to be entitled An act relating to health-care facilities; amending s. 381.497, Florida Statutes; providing that ss. 381.493-381.495, Florida Statutes, shall not affect any health-care facility project determined by the Department of Health and Rehabilitative Services to be exempt from the certificate of need requirement or grandfathered under the provisions of the Health Facilities and Health Services Planning Act prior to March 30, 1977; providing an effective date.

—was read the second time by title.

The Committee on Commerce offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 1—On page 1, line 28, after the period (.), insert: Any health-care facility project exempted from the provisions of Sections 381.493-381.495 pursuant to this section may reduce the number of authorized beds without prior approval by the department or the health systems agency.

Senator Gordon moved the following amendments which were adopted:

Amendment 2—On page 1, line 18, after "381.495" add: and s. 400.504

Amendment 3—On page 1, line 19, after "381.495" add: and 400.504

Amendment 4—On page 1, line 25, after "project" add: or agency

Amendment 5—On page 1 in title, line 6, after "project" add: or agency

Amendment 6—On page 1 in title, line 4, insert: 400.504

Senator Gallen moved the following amendment which was adopted:

Amendment 7—On page 1 in title, line 11, after the semicolon insert: providing that certain health-care facility projects may reduce the number of authorized beds without prior approval;

On motion by Senator Gallen, by two-thirds vote SB 764 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—35

Mr. President	Glisson	McClain	Spicola
Barron	Gordon	Myers	Thomas, Jon
Castor	Gorman	Peterson	Tobiassen
Chamberlin	Hair	Plante	Trask
Childers, Don	Henderson	Poston	Vogt
Childers, W. D.	Holloway	Renick	Williamson
Dunn	Johnston	Sayler	Winn
Firestone	Lewis	Scarborough	Zinkil
Gallen	MacKay	Skinner	

Nays—1

Graham

Votes after roll call:

Yea—Pat Thomas, Scott

SB 1020—A bill to be entitled An act relating to electrical standards; amending s. 553.19, Florida Statutes; adopting the current versions of certain electrical standards; deleting certain regulations relating to emergency lighting from the list of adopted standards; providing for applicability; providing an effective date.

—was read the second time by title.

Senator Holloway moved the following amendment which was adopted:

Amendment 1—On page 2, line 24, strike "October" and insert: July

On motion by Senator Holloway, by two-thirds vote SB 1020 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—38

Mr. President	Gordon	Myers	Thomas, Pat
Barron	Gorman	Peterson	Tobiassen
Castor	Graham	Plante	Trask
Chamberlin	Hair	Poston	Vogt
Childers, Don	Henderson	Renick	Ware
Childers, W. D.	Holloway	Sayler	Williamson
Dunn	Johnston	Scarborough	Winn
Firestone	Lewis	Skinner	Zinkil
Gallen	MacKay	Spicola	
Glisson	McClain	Thomas, Jon	

Nays—None

Vote after roll call:

Yea—Scott

On motion by Senator Holloway, the rules were waived and SB 1020 after being engrossed was ordered immediately certified to the House.

On motion by Senator Ware, the rules were waived and SB 481 was ordered immediately certified to the House.

SB 419—A bill to be entitled An act relating to offender rehabilitation; amending s. 944.291(1), Florida Statutes; providing that prisoners who have served their terms, less allowable gain-time deductions and extra good-time allowances, shall, upon release, be subject to all statutes relating to parole; providing an effective date.

—was taken up with pending Amendments 3 and 3A.

Amendment 3—On page 1, lines 22-23, strike all after the word "beyond" and insert: *nine months as determined by the Parole and Probation Commission*

Amendment 3A—On page 1, line 1, strike nine and insert: twelve

Amendment 3A was adopted.

Amendment 3 as amended was adopted.

On motion by Senator Renick, by two-thirds vote SB 419 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—32

Mr. President	Glisson	Peterson	Thomas, Pat
Castor	Gorman	Plante	Tobiassen
Chamberlin	Graham	Poston	Trask
Childers, Don	Hair	Renick	Vogt
Childers, W. D.	Henderson	Sayler	Ware
Dunn	Lewis	Scott	Williamson
Firestone	MacKay	Spicola	Winn
Gallen	Myers	Thomas, Jon	Zinkil

Nays—4

Barron	Gordon	Johnston	McClain
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HB 284—A bill to be entitled An act relating to county detention facilities; amending s. 951.22, Florida Statutes, adding written or recorded communications, coins and currency, food, clothing and certain drugs and medicines to the list of contraband articles for which the unauthorized taking to or receiving from a prisoner in a county detention facility, or the attempt to do so, is a felony of the third degree; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 284 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Glisson	Poston	Trask
Barron	Graham	Renick	Vogt
Castor	Hair	Sayler	Ware
Chamberlin	Henderson	Scarborough	Williamson
Childers, Don	Johnston	Scott	Winn
Childers, W. D.	Lewis	Skinner	Zinkil
Dunn	McClain	Spicola	
Firestone	Myers	Thomas, Pat	
Gallen	Peterson	Tobiassen	

Nays—1

Gordon

HB 464—A bill to be entitled An act relating to correctional or penal institutions; amending s. 944.47(1)(a), Florida Statutes, relating to the prohibition against introduction, removal, or transmission of certain contraband articles into or from such institutions, to clarify and extend such prohibition; providing an effective date.

—was read the second time by title. On motion by Senator Sayler, by two-thirds vote HB 464 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—33

Mr. President	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	McClain	Spicola	
Gallen	Myers	Thomas, Jon	
Glisson	Peterson	Tobiassen	

Nays—2

Barron	Gordon
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HB 724—A bill to be entitled An act relating to drivers' licenses; amending s. 322.251, Florida Statutes, providing that the failure of a licensee to receive notice by mail of cancellation, suspension, or revocation of his license shall not affect the effective date of the cancellation, suspension, or revocation; providing for proof of giving notice; requiring the licensee to return his license and providing the effect of his failure to do so; requiring entry or orders of cancellation, suspension, or revocation in a driver's file; adding subsection (4) to s. 320.03, Florida Statutes, requiring certain tax collectors to refuse to issue certain vehicle registrations to persons who have failed to return their canceled, suspended, or revoked driver's license; providing an effective date.

—was read the second time by title.

The Committee on Transportation offered the following amendments which were moved by Senator Poston and adopted:

Amendment 1—On page 3, strike all of line 15 through and including line 17 and insert: (4) *Each tax collector or license tag agent who has on-line computer access to the department's data center or other reasonable access thereto shall, except where the department has issued a registration renewal notice, upon receipt of an application for the*

Amendment 2—On page 1 in title, strike all of line 15 and insert: collectors and license tag agents to refuse to issue certain vehicle

On motion by Senator Poston, by two-thirds vote HB 724 as amended was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	Peterson	Tobiassen
Barron	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Holloway

SB 589—A bill to be entitled An act relating to insurance; creating s. 625.3075, Florida Statutes, permitting insurers to invest in bonds or other evidences of indebtedness of the State of Israel; providing an effective date.

—was read the second time by title. On motion by Senator Jon Thomas, by two-thirds vote SB 589 was read the third time by title, passed and certified to the House. The vote on passage was:

Yeas—37

Mr. President	Gordon	Peterson	Tobiassen
Barron	Gorman	Poston	Trask
Castor	Graham	Renick	Vogt
Chamberlin	Hair	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Johnston	Scott	Winn
Dunn	Lewis	Skinner	Zinkil
Firestone	MacKay	Spicola	
Gallen	McClain	Thomas, Jon	
Glisson	Myers	Thomas, Pat	

Nays—None

Vote after roll call:

Yea—Holloway

By the Committee on Judiciary-Criminal and Senators Don Childers, Poston, Zinkil, Scarborough, Barron and Jon Thomas—

CS for SB 133—A bill to be entitled An act relating to automotive parts and repair; creating ss. 501.201 and 501.202, Florida Statutes; requiring dealers of automotive parts selling interchangeable parts to notify purchasers of this fact; authorizing an automobile owner to remove his automobile from the premises of a repairer if a specially ordered part has not been received within a certain period of time upon payment of certain costs; requiring certain distributors of automotive parts to accept specially ordered returned parts in certain circumstances; prohibiting dealers of new automobiles from selling any such automobile unless parts and price lists for such parts are available therefor; making violations of s. 501.201, Florida Statutes, subject to the Florida Deceptive and Unfair Trade Practices Law; amending s. 860.15(2), Florida Statutes; prohibiting the rendering of certain automobile repair estimates and providing penalties for violation; providing severability; providing an effective date.

—was read the first time by title and SB 133 was laid on the table.

Senator Hair presiding

On motion by Senator Don Childers, by two-thirds vote CS for SB 133 was read the second time by title.

Senator Spicola moved the following amendment:

Amendment 1—On page 2, line 4, after "vehicle," insert: and which have a purchase price in excess of \$2,

Senator Gorman moved the following substitute amendment which failed:

Amendment 2—On page 2, lines 5 through 9, strike all language after the word "fact" and insert: period

Amendment 1 was adopted.

Senator Gorman moved the following amendments which were adopted:

Amendment 3—On page 2, line 19, strike the period and insert: and the initial shipping cost for the part and, if the part is to be returned by the repairer, the return shipping cost.

Amendment 4—On page 2, strike all of lines 25 through 29

Senator Williamson moved the following amendment which was adopted:

Amendment 5—On page 2, strike everything after the period on line 19 and all of lines 20 through 24.

The vote was:

Yeas—17

Barron	McClain	Skinner	Ware
Castor	Peterson	Thomas, Jon	Williamson
Glisson	Plante	Thomas, Pat	
Gorman	Scarborough	Tobiassen	
Henderson	Scott	Trask	

Nays—12

Chamberlin	Gordon	Lewis	Spicola
Childers, Don	Graham	MacKay	Winn
Firestone	Johnston	Myers	Zinkil

The President presiding

Senator McClain moved the following amendment which was adopted:

Amendment 6—On page 2, line 17, after "in" on line 17 insert: due to the neglect of the automotive parts distributor

Senator Williamson moved the following amendment which was adopted:

Amendment 7—On page 1 in title, line 11, strike "requiring certain distributors of automotive parts to accept specially ordered returned parts in certain circumstances;"

Senator Scott moved that the Senate reconsider the vote by which Amendment 1 was adopted and the motion failed.

Senator Scott moved the following amendment which failed:

Amendment 8—On page 2, line 5, strike "shall" and insert: may

The vote was:

Yeas—14

Childers, W. D.	McClain	Scott	Trask
Gallen	Plante	Skinner	Ware
Gorman	Sayler	Thomas, Jon	
Henderson	Scarborough	Tobiassen	

Nays—16

Chamberlin	Glisson	Lewis	Spicola
Childers, Don	Gordon	MacKay	Vogt
Dunn	Graham	Myers	Winn
Firestone	Johnston	Peterson	Zinkil

On motion by Senator Don Childers, by two-thirds vote CS for SB 133 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—19

Castor	Gordon	MacKay	Thomas, Pat
Chamberlin	Graham	Myers	Vogt
Childers, Don	Henderson	Peterson	Winn
Dunn	Johnston	Sayler	Zinkil
Firestone	Lewis	Spicola	

Yeas—15

Barron	Gorman	Scott	Trask
Childers, W. D.	McClain	Skinner	Ware
Gallen	Plante	Thomas, Jon	Williamson
Glisson	Scarborough	Tobiassen	

Senators Jon Thomas and Barron withdrew as co-introducers of CS for SB 133.

On motion by Senator Lewis the rules were waived and the Senate reverted to—

MATTERS ON RECONSIDERATION

The motion by Senator Lewis on May 3, that the Senate reconsider the vote by which—

SB 445—A bill to be entitled An act relating to the Municipal Firemen's Pension Trust Fund; amending s. 175.021, Florida Statutes; restating the legislative declaration; amending s. 175.032(1), Florida Statutes; providing a definition of "firefighter" and "volunteer firefighter" and deleting the definition of "fireman"; amending s. 175.041(1), Florida Statutes; redesignating the fund as the Municipal Firefighters' Pension Trust Fund; providing a change in the approval of firefighting equipment; amending s. 175.311, Florida Statutes; prohibiting discrimination in the formulation of benefits; amending s. 175.351(11), Florida Statutes; requiring Department of Insurance approval for implementing or changing pension plan; directing that changes in terminology in the Florida Statutes be made; providing an effective date.

—passed on May 1, was taken up and adopted; and the Senate reconsidered the vote.

On motion by Senator Lewis the Senate reconsidered the vote by which SB 445 was placed on third reading.

Senators Dunn and Johnston offered the following amendment which was moved by Senator Dunn:

Amendment 1—On page 2, line 14, strike the word "solely"

On motion by Senator Lewis further consideration of SB 445 with pending amendment was deferred.

SPECIAL ORDER, continued

SB 577—A bill to be entitled An act relating to jurors; amending s. 40.07(4), Florida Statutes; authorizing parties in litigation to question any prospective juror concerning any interest such juror might have in any issue to be tried; providing for questioning of such juror by the judge; providing an effective date.

—was read the second time by title.

Senators Gallen and Spicola offered the following amendment which was moved by Senator Gallen and adopted:

Amendment 1—On page 1, lines 19 and 20, strike "after which questioning, the judge may question said juror"

On motion by Senator Scott, by two-thirds vote SB 577 as amended was read the third time by title, passed, ordered engrossed and then certified to the House. The vote on passage was:

Yeas—34

Mr. President	Glisson	Myers	Tobiassen
Barron	Gordon	Poston	Trask
Castor	Gorman	Renick	Vogt
Chamberlin	Graham	Sayler	Ware
Childers, Don	Henderson	Scarborough	Williamson
Childers, W. D.	Holloway	Scott	Winn
Dunn	Johnston	Spicola	Zinkil
Firestone	Lewis	Thomas, Jon	
Gallen	McClain	Thomas, Pat	

Nays—None

Votes after roll call:

Yeas—Peterson, MacKay

ENROLLING REPORTS

SCR 1320 has been enrolled, signed by the required Constitutional Officers and filed with the Secretary of State on May 3, 1978.

Joe Brown, Secretary

Senate Bills 392 and 414 have been enrolled, signed by the required Constitutional Officers and presented to the Governor on May 3, 1978.

Joe Brown, Secretary

CO-INTRODUCERS

Senator Renick—SB 628; Senator Zinkil—SB 589; Senator Scarborough—SB 564

CORRECTION AND APPROVAL OF JOURNAL

The Journal of May 2 was corrected and approved.

The Journal of April 28 was further corrected and approved as follows:

Page 249, column 2, line 18, strike "HB" and insert: SB

The Senate adjourned at 12:00 noon to convene at 8:30 a.m., Thursday, May 4, for the purpose of introduction and reference of resolutions, memorials, bills and joint resolutions and thereafter to reconvene at 9:00 a.m.